

On April 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24½ cases, each containing 2 dozen cans of pumpkin, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Wm. Laning & Son Co., Bridgeton, N. J., alleging that the article had been shipped from Bridgeton, N. J., on or about December 2, 1930, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Silver Lake Brand Fancy Pumpkin * * * Packed by Wm. Laning & Son Co., Bridgeton, * * * N. J."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On April 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18258. Adulteration and misbranding of evaporated apples. U. S. v. 85 Boxes of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25947. I. S. No. 14825. S. No. 4202.)

Examination of samples of evaporated apples from the shipment herein described having shown that the article contained a large amount of rot spots and showed evidence of worm infestation, also that it was short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Oklahoma.

On February 24, 1931, the United States attorney filed in the District Court for the district aforesaid a libel praying seizure and condemnation of 85 boxes of evaporated apples at El Reno, Okla., consigned by the Ozark White Lime Co., Johnson, Ark., alleging that the article had been shipped from Johnson, Ark., on or about January 12, 1931, and had been transported from the State of Arkansas into the State of Oklahoma, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Net Wt. 25 Lbs. When Packed Our Pride Evaporated Apples Packed by Rankin & Son Springdale, Ark."

It was alleged in the libel that the article was adulterated in that it consisted wholly or partly of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged in substance for the reason that the label of the article was false and misleading. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18259. Misbranding of apple butter, vanilla extract, lemon extract, and vinegar. U. S. v. Louis Maull Co. Food Products Co. Plea of guilty. Fine, \$250 and costs. (F. & D. No. 25693. I. S. Nos. 05034, 05038, 05039, 09378, 09390, 09466, 015062, 015063, 015065, 019743.)

Examination of the products described herein showed that a portion of the apple butter had been made from dried apples, was artificially colored, and contained sodium benzoate and that the remainder was artificially colored; the vanilla extract contained vanillin and coumarin and was artificially colored with caramel; the lemon extract consisted of a dilute terpeneless imitation product deficient in lemon oil and citral, was artificially colored, and contained less alcohol than declared on the label; and the vinegar consisted principally or entirely of corn sugar vinegar and a portion thereof was deficient in acidity.

On January 30, 1931, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Louis Maull Co. Food Products Co., a corporation, St. Louis, Mo., alleging shipment by said company in violation of the food and drugs act, between the dates of March 22, 1929 and August 9, 1929, from the State of Missouri in part into the State of Kansas, and in part into the State of Illinois, of quantities of apple butter, vanilla extract, lemon extract, and apple-cider vinegar which were misbranded.

The articles were labeled in part, variously: "Maull's Fancy Apple Butter;" "Somore Brand * * * Pure Apple Butter;" "Maull's Pure Vanilla Extract;" "Maull's Pure Lemon Extract 94 Per Cent Alcohol;" "Top Notch * * * Apple Cider Vinegar;" "Top Notch * * * Vinegar Apple Cider Reduced to 4% Acid Strength;" and were further labeled "Manufactured [or "Packed"] by L. Maull Co. Food Products Co., St. Louis, Mo."

It was alleged in the information that the articles were misbranded for the following reasons: The statement "Fancy Apple Butter" on the label of a portion of the apple butter was false and misleading, since it represented that the article was fancy apple butter, whereas it was not, but was a product made from dried apples and which contained undeclared artificial color and sodium benzoate; the statement "Pure Apple Butter" on the label of the remainder of the apple butter was false and misleading in that it represented that the article was pure apple butter, whereas it was not, but was an artificially colored product, which artificial color was undeclared; the statement "Pure Vanilla Extract" on the labels of the vanilla extract was false and misleading in that it represented that the article was pure vanilla extract, whereas it was not, but was a product containing vanillin, coumarin, and an artificial coloring substance, namely, caramel; the statements, "Pure Lemon Extract" and "94 Per Cent Alcohol," on the label of the lemon extract, were false and misleading in that they represented that the article was pure lemon extract and contained 94 per cent of alcohol; whereas it was not pure lemon extract, but was a dilute, terpeneless, imitation product deficient in citral and lemon oil and was artificially colored with an undeclared color, namely, tartrazine, it contained little if any lemon oil, it was not labeled to show that it was an imitation, and contained approximately 44.2 per cent of alcohol; the statements, "Apple Cider Vinegar" or "Vinegar Apple Cider," on the labels of the vinegar, and the further statement "Reduced to 4% Acid Strength" on the label of a portion thereof, were false and misleading in that they represented that the article was vinegar made from apple cider and that the acid strength of the said portion was 4 per cent; whereas the greater part of the said vinegar consisted principally or entirely of corn-sugar vinegar, and a portion consisted of a mixture of corn-sugar vinegar and water with an acid strength of less than 4 per cent. Misbranding was alleged for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser. Misbranding was alleged with respect to the said vanilla and lemon extracts for the further reason that they were imitations of other articles, and were not so labeled, and in that they were offered for sale under the distinctive names of other articles.

On April 4, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18260. Adulteration and misbranding of flavoring sirup. U. S. v. 5½ Dozen Bottles of Sirup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25787. I. S. No. 14034. S. No. 3685.)

Examination of samples of a flavoring sirup, known as Seven Fruits, from the shipment herein described having shown that the article was deficient in fruit juice and artificially flavored, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On February 6, 1931, the United States attorney filed in the District Court for the district aforesaid a libel praying seizure and condemnation of 5½ dozen bottles of so-called Seven Fruits at Chicago, Ill., alleging that the article had been shipped by the Julius Marcus Co., from Brooklyn, N. Y., September 27, 1930, and had been transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "None Genuine Without Signature of Julius Marcus Seven Fruits * * * Not Artificially Colored Not Artificially Flavored [pictorial design of various fruits, namely, oranges, lemon, pineapple, strawberries, raspberries, cherries, and plums] Julius Marcus Co. New York Detroit Chicago * * * Certificate of Quality. This is to certify that the contents of this bottle contains only the purest and best ingredients obtainable. Beware of imitators."

It was alleged in the libel that the article was adulterated in that a substance, namely, an imitation product of seven fruits, deficient in juice of the fruits shown on the label, and containing undeclared artificial flavor, had been mixed